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Comments on Designation of Critical Habitat for the Southern Resident Killer Whale

The staff of the Puget Sound Action Team have reviewed the proposed designation of critical habitat for the Southern Resident Killer Whale (SRKW) and offer the following comments:

Discussion of SRKW Life History

We want to compliment you on the natural history section of the proposed rule. In just a few pages it provides an excellent description of our current knowledge of the Southern residents.

Critical Habitat Designation is Insufficient to Recover Orca

While we understand that critical habitat under the Endangered Species Act is limited to those physical habitats that are or could be occupied by the listed species, we are concerned that recovery of the SRKW will require protection of a much wider range of habitats. The identified Primary Constituent Elements (PCEs) won't occur in the designated critical habitat areas without protection of other habitats. For example, the nearshore habitats of Puget Sound are essential for the forage fish and salmon which support the SRKW. The final critical habitat designation should include a better discussion of how the other habitats necessary for SRKW recovery will be protected and restored.

Designate SRKW Critical Habitat on the Pacific Coast

NOAA should designate a critical habitat area along the Pacific coast from Monterey in central California to the Canadian border, beginning at some reasonable water depth and extending at least five miles from the shore.

Much of the SRKW population spends several months each year outside the areas so far proposed as critical habitat. They have been sighted along the Pacific coast from Monterey California to the Queen Charlotte Islands in Canada. During the period of each year when SRKW pods travel along the coast, they are dependent on water quality, prey and passage conditions along the coast. To date, there has been a focus on Puget Sound conditions in planning for SRKW recovery. Designation of the coast habitat will make it clear to managers

and the public that the Primary Constituent Elements (PCEs) you have identified for the orca must be addressed throughout their winter range, not just in Puget Sound. The PCEs in the outer coast critical habitat area would require the same special management considerations discussed for Puget Sound.

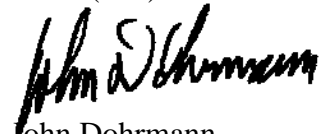
Include Hood Canal in Area 3

Since publication of the proposed rule, a number of individuals have come forward with additional documentation of SRKW entering Hood Canal. Recent studies seem to indicate that chum salmon are a preferred prey, after chinook salmon. As efforts to recover the populations of salmon in the Canal, we would expect the SRKW to occupy the Canal more frequently.

Clarify the Minimum Depth of Designated Critical Habitat

The federal register notice states that areas 1, 2 and 3 only include waters deeper than 20 feet “relative to a contiguous shoreline delimited by the line of extreme high water . . .” This designation will lead to confusion since the line of extreme high water is not commonly shown on maps or charts used by the public. Since most people have access to navigation charts, and daily tides are give relative to mean lower low water (mllw), any minimum depth should be established relative to mean lower low water. For the proposed areas 1, 2 and 3 and the outer coast, we recommend that the critical habitat designation extend shoreward to the mllw line or, perhaps, -5 feet relative to mllw. This would result in water depths of up to 20 feet depending on the state of the tide.

Thank you for the opportunity to comment. If you have any questions, please feel free to contact me at (360) 725-5440 or jdohrmann@psat.wa.gov.



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